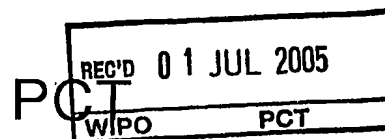


PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/002945

International filing date (day/month/year)
19.03.2005

Priority date (day/month/year)
06.04.2004

International Patent Classification (IPC) or both national classification and IPC
D21J1/00

Applicant
BASF CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/002945

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/002945

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-18,20-22
	No: Claims	1,19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

1.1 Reference is made to the following documents:

D1 : US 2002/155223 A1 (COLVIN JOHN ET AL) 24 October 2002 (2002-10-24)

D2 : US 6 123 795 A (SYMONS ET AL) 26 September 2000 (2000-09-26)

D3 : US 5 750 201 A (PHANOPOULOS ET AL) 12 May 1998 (1998-05-12)

1.2 The present invention refers to a lignocellulosic composite comprising lignocellulosic particles and a binder resin which comprises a polyisocyanate and at least one of a insecticide and/or fungicide. The present claim 7 refers only to the binder composition and claim 19 pertains to a method for preparing the composite material as defined in claim 1.

1.3 D1, D2 and D3 disclose lignocellulosic composite, which comprises a binder resin comprising a polyisocyanate and at least a insecticide or a fungicide. Thus, the subject-matter of the present claim 1 and 19 are not novel in the light of the disclosures of D1 to D3 (see D1, paragraphs [0033]-[0034], claims 1-35; see D2, claims 1-15; see D3, claims 1-13; Art.33.2 PCT).

1.4 The current claim 4 defines a binder resin as defined in claim 1 which additionally comprises a polar solvent. According to claim 9, the polar solvent may be an alcohol, a ketone or an ester. It is, however, also well known to use a polar solvent for dissolving the insecticide, cf e.g. D4:GB-A-1 098 838, claims 1-23. Thus, a skilled person who starts out from D1, would surely also try polar solvents for the binder resin composition. Hence, the subject-matter of the present claim 7 does not involve an inventive step with regard to the disclosure of D1 combined with the teaching of D4 (Art.56 EPC).

1.5 The separate features of the dependent claims do presently not seem to add any inventive matter with regard to the disclosures of D1 to D4. However, a combination of these features may nevertheless satisfy the requirements of Articles 33.3 PCT.

Re Item VII.

2.1 D1, D2 and/or D3 should be acknowledged in the description as representing closest

prior art (Rule 5.1(a)(i)-(vi) PCT).

Re Item VIII.

3.1 The meaning of "(E+Z)" of the defined formulas on lines 17 and 31 of page 9 is not clear (Art.6, Rule 6.3b(i),(ii) PCT).